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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RONALD NEAL JOSEPH, SR.,)	
et al.)	
)	
Plaintiffs,)	2:09-cv-00966-HDM-LRL
)	
vs.)	
)	ORDER
LAS VEGAS METROPOLITAN POLICE)	
DEPARTMENT, et al.)	
)	
Defendants.)	
_____)	

On September 8, 2011, the defendants filed a motion for attorney fees (#121) and a bill of costs (#122). On September 13, 2011, plaintiffs filed their notice of appeal with the U.S. Court of Appeals (#123). On September 26, 2011, plaintiffs opposed the motion for attorney fees (#130) and objected to the bill of costs (#131). The time to reply has passed.

The court may decide the issue of attorney fees pending an appeal. *Schneider v. Elko County Sheriff's Dept.*, 17 F. Supp. 2d

1 1162 (D. Nev. 1998). However, the court believes that, in the
2 interest of justice, the motion (#121) should be denied without
3 prejudice to renew, should the defendants elect to renew the
4 motion, within thirty (30) days after a final disposition of
5 plaintiffs' appeal. See Fed. R. Civ. P. 54(d), Advisory Comm. Note
6 (1993 amendments) ("If an appeal on the merits of the case is
7 taken, the [district] court may rule on the claim for fees, may
8 defer its ruling on the motion, or may deny the motion without
9 prejudice, directing under subdivision (d)(2)(B) a new period for
10 filing after the appeal has been resolved."); see also *Madrid v.*
11 *Concho Elementary School Dist. No. 6 of Apache County*, 2010 WL
12 2991562, *1 (D. Ariz. July 26, 2010) (Denying motion for attorney
13 fees without prejudice pending disposition of appeal); *Sovereign*
14 *Gen. Ins. Servs., Inc. v. Scottsdale Ins. Co.*, 2008 WL 5381813, at
15 *1 (E.D. Cal. Dec. 23, 2008). Therefore, the defendants' motion
16 for attorney fees (#121) is hereby DENIED WITHOUT PREJUDICE.

17 IT IS SO ORDERED.

18 DATED this 18th day of October, 2011.

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21 UNITED STATES DISTRICT JUDGE
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